

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

| | | |
|----------------------------|---|----------------------|
| UNITED STATES OF AMERICA, |) | |
| |) | |
| Plaintiff, |) | 4:07 CR 3003 |
| |) | |
| v. |) | |
| |) | |
| |) | |
| AUGUSTINE CARILLO-ORDONEZ, |) | MEMORANDUM AND ORDER |
| a/k/a "SAUL MEZA-RIOS" |) | |
| |) | |
| Defendant. |) | |

The government has filed a motion seeking amendment of facts determined in the prior report and recommendation of March 23, 2007. Obviously, the report and recommendation is in error and must be withdrawn. Red-faced, I shall do so and reconsider the defendant's motion to suppress.

IT THEREFORE HEREBY IS ORDERED:

1. The government's motion, filing 31, is construed as a motion to reconsider, and so construed, is granted.
2. The report and recommendation of March 23, 2007, filing 27, is withdrawn and set aside.
3. The order setting the case for trial, filing 27, is also withdrawn and set aside.

DATED April 6, 2007

BY THE COURT:

s/ David L. Piester
United States Magistrate Judge